

MAR 0 5 2004

Docket No. HRT-293

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stevens et al.

Serial No. : 10/099,690

Art Unit: 3738

Filed

: March 15, 2002

Examiner: D. Isabella

For

: METHOD AND APPARATUS FOR THORASCOPIC PROCEDURES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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03/09/2004 HLE333 01 FC:1806	00000025 100750 180.00 DA	5/9/7	RECEIVED MAR 1 1 2004 TECHNOLOGY CENTER R3700
		(Date of Signature)	

Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on November 25, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Ø In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1,53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with \(\square\$ the first or second After Final Submission, therefore: П Statement in Accordance with §1.97(e) (attached); or Please charge Deposit Account No. 10-/ the fee of \$180.00 as set forth in §1.17(p). In accordance with §1.97(c), this Information \Box Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or \boxtimes Please charge Deposit Account No. 10-0750/HRT293/BST the fee of \$180.00 as set forth in

§1.17(p).

☐ In accordance with §1.97(d), this Information							
Disclosure Statement is being filed after the mailing date of							
either a Final Action under §1.113 or a Notice of Allowance under							
§1.311 but before the payment of the Issue Fee. Applicant(s)							
hereby petition(s) for consideration of this Information							
Disclosure Statement. Included are: Statement in Accordance with							
§1.97(e) as set forth below and the fee of $$180.00$ as set forth in							
§1.17(p).							
$oxed{\boxtimes}$ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.							
Copies of references listed on the attached Form PTO- 1449 are enclosed herewith EXCEPT THAT:							
In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.							
If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.							
Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).							
There are no listed references which are not in the English language.							

$oxed{\boxtimes}$ The relevance of those listed references which are not
in the English language is as follows: Japanese Patents 58-
146339, 50-103199, and 3-198829, correspond to US Patent Nos.
4,529,397, 3,890,969 and 4,972,827 respectively, as listed on the
attached Form 1449.
Attached are copies of search report(s) from
corresponding patent application(s), which are listed on the
attached Submission Under MPEP 609 D.
Copies of the references listed on the search report(s)
are included except for those previously cited in an IDS mailed
Attached are the following non-published pending patent
applications which may be deemed relevant, which are listed on the
attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT-293/BST. This form is submitted in triplicate.

Respectfully submitted,

Brian S.Tomko

Reg. No. 41,349 Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-1239 DATED:

March 3 / 2004

MAR 0 5 200 Substitute

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

0	o a collection of information unless it displays a valid UMB control number.						
	Application Number	10/099,690					
	Filing Date	March 15, 2002					
	First Named Inventor	Stevens					
	Group Art Unit	3738					
	Examiner Name	D. Isabella					
	Attorney Docket Number	HRT-293					

				U.S. PATENT DOCUMENTS		
	Cite No.1	U.S. Patent Document			B-4- of B-4 lineting	D 0-1
Examiner Initials		Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		4,529,397		Hennemuth	07-16-1985	
		3,890,969		Fischel	06-24-1975	
		4,972,827		Kishi	11-27-1990	
		1,127,325		Vauclain	02-02-1915	
		4,702,250		Ovil	10-27-1987	RECEIVE
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FOREIGN PATENT DOCUMENTS								
	Cite	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	т°
Examiner Initials		Office ³	office ³ Number ⁴ KindCode ⁵					
		wo	92 21293		Origin Medsystems, Inc.	12-10-1992		
		JP	58-146339		Sartorius GMBH	08-31-1983		
		JP	50-103199		Baxter Laboratories Inc.	08-14-1975		
		JP	3-198829		Fuji Photo Optical Co. Ltd.	08-30-1991		
							20 20 20 20 20 20 20	

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹ Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.